

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

The Dayton Power and Light Company,	)	
	)	
Petitioner,	)	
	)	
v	)	Case No. 03-1225
	)	
Federal Energy Regulatory Commission,	)	
	)	
Respondent.	)	
	)	

**MOTION OF THE MICHIGAN PUBLIC SERVICE COMMISSION  
FOR LEAVE TO INTERVENE**

Pursuant to Rule 15(d) of the Federal Rules of Appellate Procedure, the Michigan Public Service Commission (“MPSC”) hereby moves for leave to intervene. In support of this motion, the MPSC states as follows:

1. On August 1, 2003 Petitioner filed its Petition for Review of the following orders issued by Respondent Federal Energy Regulatory Commission (“FERC”):

- (1) *Alliance Companies, et al.*, “Order Conditionally Accepting Compliance Filings, Providing Guidance on Midwest ISO and PJM Structure, and Instituting Section 206 Investigation,” Docket Nos. EL02-65-000, *et al.*, 100 FERC (CCH) ¶ 61,137 (July 31, 2002); and
- (2) *Alliance Companies, et al.*, “Order on Rehearing and Providing Clarification,” Docket Nos. EL02-65-009, *et al.*, 103 FERC (CCH) ¶ 61,274 (June 4, 2003).

2. The Michigan Public Service Commission is an agency of the State of Michigan, created by 1939 PA 3, MCL 460.1 *et seq.* As the Michigan regulatory agency having jurisdiction and authority to control and regulate rates, charges, and conditions of service for the

retail sale of electricity in the state, the MPSC files this timely Motion for Leave to Intervene in this matter pursuant to the authority conferred by applicable state statutes, rules, and procedures.

3. This case concerns, among other things, the terms and conditions placed upon AEP, Commonwealth Edison Company and the Dayton Power and Light Company in order to join PJM. The MPSC was an active party in the FERC proceedings from which this appeal is taken.

4. Based on the foregoing, the MPSC respectfully submits that it has a direct and substantial interest in these proceedings and that no other party can adequately represent the MPSC's interests herein.

WHEREFORE, the MPSC respectfully moves the Court for leave to intervene with the right to participate fully in all aspects of this proceeding.

Respectfully submitted,

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